



## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 50

[EPA-HQ-OAR-2018-0279; FRL-9545-04-OAR]

## Release of Draft Policy Assessment for the Reconsideration of the Ozone National Ambient Air Quality Standards

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Draft policy assessment; notice of availability.

**SUMMARY:** On or about March 1, 2023, the Environmental Protection Agency (EPA) is making available to the public a revised draft document titled, *Policy Assessment for the Reconsideration of the Ozone National Ambient Air Quality Standards, External Review Draft Version 2* (Draft PA). This draft document was prepared as a part of the current reconsideration of the 2020 final decision on the national ambient air quality standards (NAAQS) for ozone (O<sub>3</sub>). When final, the PA is intended to “bridge the gap” between the scientific and technical information assessed in the 2020 Integrated Science Assessment for Ozone and Related Photochemical Oxidants (2020 ISA), as well as any air quality, exposure and risk analyses available in the reconsideration, and the judgments required of the Administrator. The primary and secondary O<sub>3</sub> NAAQS are set to protect the public health and the public welfare from O<sub>3</sub> and other photochemical oxidants in ambient air.

**DATES:** Comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** You may send comments on the draft PA, identified by Docket ID No. EPA-HQ-OAR-2018-0279, by any of the following methods:

- Federal eRulemaking Portal: <https://www.regulations.gov/> (our preferred method). Follow the online instructions for submitting comments.
- Mail: U.S. Environmental Protection Agency, EPA Docket Center, Office of Air and Radiation

Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

- Hand Delivery or Courier (by scheduled appointment only): EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.-4:30 p.m., Monday-Friday (except Federal Holidays).

*Instructions:* All submissions received must include the Docket ID No. for this notice.

Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments, see the

**SUPPLEMENTARY INFORMATION** section of this document. The draft document described here will be available on the EPA's website at <https://www.epa.gov/naaqs/ozone-o3-air-quality-standards>. The documents will be accessible under "Policy Assessments" for the current review.

**FOR FURTHER INFORMATION CONTACT:** Leigh Meyer, Office of Air Quality Planning and Standards, (Mail Code C504-06), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: 919-541-5587, fax number: 919-541-0237; or email: [meyer.leigh@epa.gov](mailto:meyer.leigh@epa.gov), or Mary Hutson, Office of Air Quality Planning and Standards, (Mail Code C504-06), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: 919-541-0715, fax number: 919-541-0237; or email: [hutson.mary@epa.gov](mailto:hutson.mary@epa.gov).

## **SUPPLEMENTARY INFORMATION:**

### **I. General Information**

#### *Written Comments*

Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2018-0279, at <https://www.regulations.gov> (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose

disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). Please visit <https://www.epa.gov/dockets/commenting-epa-dockets> for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

## **II. Information About the Documents**

Two sections of the Clean Air Act (CAA or the Act) govern the establishment and revision of the NAAQS. Section 108 directs the Administrator to identify and list certain air pollutants and then issue “air quality criteria” for those pollutants. The air quality criteria are to “accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of such pollutant in the ambient air. . .” (CAA section 108(a)(2)). Under section 109 of the Act, the EPA is then to establish primary (health-based) and secondary (welfare-based) NAAQS for each pollutant for which the EPA has issued air quality criteria. Section 109(d)(1) of the Act requires periodic review and, if appropriate, revision of existing air quality criteria. Revised air quality criteria are to reflect advances in scientific knowledge on the effects of the pollutant on public health and welfare. Under the same provision, the EPA is also to periodically review and, if appropriate, revise the NAAQS, based on the revised air quality criteria.

The Act additionally requires appointment of an independent scientific review committee that is to periodically review the existing air quality criteria and NAAQS and to recommend any new standards and revisions of existing criteria and standards as may be appropriate (CAA section 109(d)(2)(A)-(B)). Since the early 1980s, the requirement for an independent scientific review committee has been fulfilled by the Clean Air Scientific Advisory Committee (CASAC).

In December 2020, the EPA announced its decision to retain the primary and secondary O<sub>3</sub> standards, without revision (85 FR 87256, December 31, 2020). On October 29, 2021, the Agency announced its decision to reconsider the 2020 O<sub>3</sub> NAAQS final action<sup>1</sup>. In its announcement of the reconsideration, the Agency explained that it would reconsider the 2020 decision to retain 2015 standards based on the existing scientific record. In support of the reconsideration, the EPA is developing an updated PA. The PA, when final, serves to “bridge the gap” between the scientific and technical information in the 2020 ISA and any air quality, exposure and risk analyses available in the reconsideration, and the judgements required of the Administrator.

In April 2022, the EPA made available to the public and to the CASAC Ozone Review Panel a prior version of this draft PA. After receiving a briefing from the EPA on the draft document (87 FR 19501, April 4, 2022), the Panel issued a memo indicating that the Panel would pause its review to deliberate on whether a fuller discussion of the science was needed prior to its review of the draft PA.<sup>2</sup> Following that deliberation, the Panel engaged in a fuller discussion of the scientific information at a number of public meetings (87 FR 41309, July 12, 2022; 87 FR 60394, October 5, 2022). Based on this discussion, the CASAC determined “that the existing scientific evidence summarized in the 2020 ISA provides a scientifically sound foundation for the Agency’s reconsideration of the 2020 Ozone NAAQS decision” and that it was not recommending that the 2020 ISA be reopened or revised.<sup>3</sup> The CASAC’s letter to the Agency regarding its review of the 2020 ISA included comments that referenced the PA.

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<sup>1</sup> The press release for this announcement is available at <https://www.epa.gov/ground-level-ozone-pollution/epa-reconsider-previous-administrations-decision-retain-2015-ozone>.

<sup>2</sup> May 13, 2022, letter from Elizabeth A. Sheppard Chair, Clean Air Scientific Advisory Committee, to CASAC Ozone Review Panel Members. Re: CASAC Ozone Review Panel Meeting. Available at:

[https://casac.epa.gov/ords/sab/f?p=105:19:17341438189034:::19:P19\\_ID:972#materials](https://casac.epa.gov/ords/sab/f?p=105:19:17341438189034:::19:P19_ID:972#materials).

<sup>3</sup> November 22, 2022, letter from Elizabeth A. Sheppard Chair, Clean Air Scientific Advisory Committee, to Administrator Michael S. Regan. Re: CASAC Review of the EPA’s Integrated Science Assessment (ISA) for Ozone and Related Photochemical Oxidants (Final Report - April 2020). EPA-CASAC-23-001. Available at:

[https://casac.epa.gov/ords/sab/f?p=105:18:8476900499267:::RP,18:P18\\_ID:2614](https://casac.epa.gov/ords/sab/f?p=105:18:8476900499267:::RP,18:P18_ID:2614).

Consideration of those comments led to the development of this second version of the draft PA for the reconsideration, which is announced in this notice of availability. The draft PA largely builds upon the information presented in the 2020 ISA, the 2020 PA and additional analyses that informed the 2020 decision. This draft PA will be available on or about March 1, 2023, on the EPA's website at <https://www.epa.gov/naaqs/ozone-o3-air-quality-standards>. The EPA is soliciting advice and recommendations from the CASAC by means of a review of this draft document in an upcoming public meeting of the CASAC. Information about this public meeting, including the dates and location, was published as a separate notice in the *Federal Register* on February 13, 2023 (88 FR 9275). Following the CASAC meeting, the EPA will consider comments received from the CASAC and the public in preparing the final PA.

The draft document briefly described above does not represent and should not be construed to represent any final EPA policy, viewpoint, or determination. The EPA will consider any public comments submitted in response to this notice when revising the document.

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